

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALAN RAY,
aka "Sunny Ray,"
aka "Alan Montes,"

Defendant.

2:21-CR-245-JCM-VCF

Preliminary Order of Forfeiture

This Court finds Alan Ray, aka "Sunny Ray," aka "Alan Montes," pled guilty to Count One of a One-Count Criminal Information charging him with conspiracy to possess counterfeit and unauthorized access devices in violation of 18 U.S.C. § 1029(a)(3) and 1029(b)(2). Criminal Information, ECF No. 33; Plea Agreement, ECF No. 35; Arraignment & Plea, ECF No. 36.

This Court finds Alan Ray, aka "Sunny Ray," aka "Alan Montes," agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information. Criminal Information, ECF No. 33; Plea Agreement, ECF No. 35; Arraignment & Plea, ECF No. 36.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information and the offense to which Alan Ray, aka "Sunny Ray," aka "Alan Montes," pled guilty.

The following property is any personal property used or intended to be used to commit the violations of 18 U.S.C. § 1029(a)(3) and 1029(b)(2) and is subject to forfeiture pursuant to 18 U.S.C. § 1029(c)(1)(C) and 1029(c)(2):

1. 24 unemployment insurance benefits debit cards from DETR and EDD, all in different names;
2. two notebooks containing the PII of more than 80 individuals, including the PII of all 24 debits cards in the package;
3. four mailbox rental applications in the name of A.R. and the associated mailbox keys;
4. a New Mexico driver's license in the name of A.R.;
5. a photocopy of a Puerto Rico cannabis dispensary card listing a Puerto Rico address in the name of Sunny Ray, an alias used by defendant;
6. a gray Dell laptop computer bearing serial number 7B8L5L2; and
7. a rose-gold Apple iPhone, bearing IMEI # 353105103428819

(all of which constitutes property).

This Court finds that on the government's motion, the Court may at any time enter an order of forfeiture or amend an existing order of forfeiture to include subsequently located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory rights, ownership rights, and all rights, titles, and interests of Alan Ray, aka "Sunny Ray," aka "Alan Montes," in the aforementioned property are forfeited and are vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America shall publish for at least thirty (30) consecutive days on the official internet government forfeiture website, www.forfeiture.gov, notice of this Order, which shall

1 describe the forfeited property, state the time under the applicable statute when a petition
2 contesting the forfeiture must be filed, and state the name and contact information for the
3 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
4 and 21 U.S.C. § 853(n)(2).

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
6 or entity who claims an interest in the aforementioned property must file a petition for a
7 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
8 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
9 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
10 right, title, or interest in the forfeited property and any additional facts supporting the
11 petitioner's petition and the relief sought.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
13 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
14 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
15 not sent, no later than sixty (60) days after the first day of the publication on the official
16 internet government forfeiture site, www.forfeiture.gov.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
18 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
19 Attorney's Office at the following address at the time of filing:


20 Daniel D. Hollingsworth
21 Assistant United States Attorney
22 James A. Blum
23 Assistant United States Attorney
24 501 Las Vegas Boulevard South, Suite 1100
25 Las Vegas, Nevada 89101.

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
27 described herein need not be published in the event a Declaration of Forfeiture is issued by
28 the appropriate agency following publication of notice of seizure and intent to
administratively forfeit the above-described property.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
2 copies of this Order to all counsel of record.

3 DATED February 7, 2022

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7 JAMES C. MAHAN
8 UNITED STATES DISTRICT JUDGE
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